



STATE OF SOUTH CAROLINA
DEPARTMENT OF EDUCATION

Office of Special Education Services

Charter School Sponsor Technical Assistance Session

Topic: Sponsors and Special Education

November 9, 2015

Supporting the Mission and Vision of the SCDE

Mission

The mission of the SC Department of Education is to provide leadership and support so that all public education students graduate prepared for success.

Vision

All students graduate prepared for success in college, career, and citizenship.
By 2018, at least one school in every district will have implemented personalized learning that supports students meeting the Profile of the South Carolina Graduate.

OSes supports the SCDE mission statement and vision by ensuring that all students with disabilities in SC have available a free appropriate public education (FAPE) in order to be ready for success in college, careers, and citizenship.

Profile of the South Carolina Graduate



World Class Knowledge

- Rigorous standards in language arts and math for career and college readiness
- Multiple languages, science, technology, engineering, mathematics (STEM), arts and social sciences

World Class Skills

- Creativity and innovation
- Critical thinking and problem solving
- Collaboration and teamwork
- Communication, information, media and technology
- Knowing how to learn

Life and Career Characteristics

- Integrity
- Self-direction
- Global perspective
- Perseverance
- Work ethic
- Interpersonal skills

Approved by SCASA Superintendent's Roundtable and SC Chamber of Commerce.

SC Code of Laws

Section 59-40-40 (2)

- A charter school:

(a) is, for purposes of state law and the state constitution, considered a public school and part of the South Carolina Public Charter School District, the local school district in which it is located, or is sponsored by a public or independent institution of higher learning;

(b) is subject to all federal and state laws and constitutional provisions **prohibiting discrimination on the basis of disability**, race, creed, color, gender, national origin, religion, ancestry, **or need for special education services**;

SC Code of Laws

Section 59-40-40 (4)

The sponsor of a charter school is the charter school's Local Education Agency (LEA) and a charter school is a school within that LEA. The sponsor retains responsibility for special education and shall ensure that students enrolled in its charter schools are served in a manner consistent with LEA obligations under applicable federal, state, and local law.

SC Code of Laws

Section 59-40-50 (B)

A charter school must:

(1) adhere to the same health, safety, civil rights, and disability rights requirements as are applied to public schools operating in the same school district or, in the case of the South Carolina Public Charter School District or a public or independent institution of higher learning sponsor, the local school district in which the charter school is located;

SC Code of Laws

Section 59-40-55 (B)

- A charter school sponsor shall:

(4) monitor, in accordance with charter contract terms, the performance and legal/fiscal compliance of charter schools to include collecting and analyzing data to support ongoing evaluation according to the charter contract;

(5) conduct or require oversight activities that enable the sponsor to fulfill its responsibilities outlined in this chapter, including conducting appropriate inquiries and investigations, only if those activities are consistent with the intent of this chapter, adhere to the terms of the charter contract, and do not unduly inhibit the autonomy granted to public charter schools;

(7) notify the charter school of perceived problems if its performance or legal compliance appears to be unsatisfactory and provide reasonable opportunity for the school to remedy the problem, unless the problem warrants revocation and revocation timeframes apply;

(8) take appropriate corrective actions or exercise sanctions short of revocation in response to apparent deficiencies in charter school performance or legal compliance. These actions or sanctions may include requiring a school to develop and execute a corrective action plan within a specified timeframe;

(9) determine whether each charter contract merits renewal, nonrenewal, or revocation;

SC Code of Laws

Section 59-40-60

An approved charter application constitutes an agreement between the charter school and the sponsor.

A contract between the charter school and the sponsor must be executed and must reflect all provisions outlined in the application as well as the roles, powers, responsibilities, and performance expectations for each party to the contract.

What all this legal stuff means

The sponsor is the local educational agency (LEA) for purposes of the Individuals with Disabilities Education Act (IDEA). As a result, the sponsor can (and will) be held accountable by the state educational agency (SEA) for any noncompliance with the IDEA by the sponsored charter school.

The charter school is required to adhere to its charter application/contract and the Charter Schools Act. This includes complying with disability rights requirements. The sponsor can hold the charter school accountable for compliance under the charter school application/contract and Charter Schools Act.

Remember, to get approved the charter school promised that:

- It understood the requirements of the IDEA and would comply with these requirements, which includes appropriately certified personnel, documentation, assessments, adaptations, and modifications;
- It would provide a variety of service delivery and placement options;
- It would provide needed staff, funding, and other resources to implement individualized education programs (IEPs);
- It would have a process for addressing IDEA compliance regarding student discipline, suspension, and expulsion for students with IEPs and the continued provision of FAPE; and
- It would provide nonacademic and extracurricular services and activities in a manner that would afford children with disabilities an equal opportunity for participation in school or district activities.

The charter, the school and its governing board also gave assurances that they:

- Will comply with all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services;
- Will adhere to the same health, safety, civil rights, and disability rights requirements as are applied to other public schools;
- Will report to its sponsor and the South Carolina Department of Education (SCDE) documentation of the appropriate use of federal funds the charter school may receive; and
- Will adhere to all provisions of federal law relating to students with disabilities, including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990 that are applicable.

Issues that have been reported

- Counseling students out of coming to the charter school (discouraging parents of students with disabilities from applying)
- Developing IEPs to fit the charter school's program rather than the students' needs
- Failing to provide the services as set forth in the IEPs
- Giving the answer: "we do not provide those services"
- Inappropriate expenditure of IDEA funds
- Not adhering to IDEA procedural safeguards in discipline situations
- Schools are reluctant to perform initial evaluations and when they do, they are not comprehensive

Biggest challenges for sponsors

- Providing a continuum of services for all students
- Establishing an effective oversight/compliance review system
- Ensuring that charter schools understand that they have the charge of, and flexibility to, improve student outcomes using innovative methods, but with this flexibility comes responsibility and accountability

Building an effective relationship with charter schools (taken from the National Association of Charter Schools Authorizers' Essential Practices):

- Have a published and available mission for quality authorizing;
- Have staff assigned to authorizing;
- Require a signed contract with each school;
- Have established, documented criteria for the evaluation of charter applications, including timelines and materials;
- Require an annual independent financial audit of schools;
- Have established renewal criteria;
- Have established revocation criteria;
- Provide on-going oversight and evaluation of schools' performance; and
- Provide an annual report to each school on its performance.

Questions

